

U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS <b>FILED</b>	
JUL - 6 2009	
CLERK, U.S. DISTRICT COURT	
By	<i>[Signature]</i>
Deputy	

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

TERENCE ALEX STEWART, 1552180, )  
  )  
  )  
Plaintiff,                            )  
  )  
V.                                     )    3:09-CV-383-B  
  )  
  )  
MAURINE DICKEY, ET AL.,            )  
  )  
  )  
Defendants.                        )

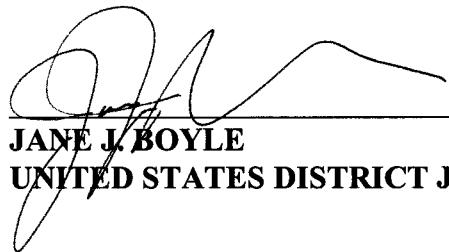
**ORDER ACCEPTING FINDINGS, CONCLUSIONS AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Before the Court are the Findings, Conclusions and Recommendation of the United States Magistrate Judge. Plaintiff filed objections to the findings on June 26, 2009, wherein he attempted to salvage his claims deemed deficient by the Magistrate Judge by pleading additional facts. In an attempt to rescue his civil rights claim against his court-appointed attorney from the Magistrate Judge's finding that the attorney did not act under color of state law at the time of the representation, Plaintiff argued that his court-appointed attorney conspired with the state prosecutor to violate his constitutional rights. He also attempted to surmount the obstacle with regard to his claim against the Dallas County Commissioners - that they lacked personal involvement in the actions he complains of - by claiming that the Commissioners are liable for his receipt of ineffective assistance of counsel because the problem arose as a result of a 20-year policy or custom implemented by the Commissioners. The Court finds these additional allegations add nothing to buttress Plaintiff's claims. First, they are stated in a rambling and conclusory fashion. Second, if true, these allegations implicate the validity of his underlying

conviction. To be cognizable in a civil rights action, Plaintiff must show his conviction was reversed on direct appeal, expunged by executive order, declared invalid by an authorized state tribunal or called into question by a federal court's issuance of a writ of habeas corpus. *See Heck v. Humphrey*, 114 S.Ct. 2364, 2370 (1994). He has made no such a showing.

Accordingly, after making the review of the Findings, Conclusions and Recommendation as required by 28 U.S.C. § 636(b), including a *de novo* review of the foregoing objections, the Court finds that the Findings, Conclusions, and Recommendation of the Magistrate Judge are correct, and they are adopted as the findings and conclusions of the Court.

SO ORDERED this 6<sup>th</sup> day of July, 2009.



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JANE J. BOYLE  
UNITED STATES DISTRICT JUDGE